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Approved For Release 2005/02/10 : CIA-RDP78M02660R000800030040-4

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OLC 76-1167

9 April 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Don Ogilvie, Associate Director, National Security and International Affairs, OMB, [REDACTED]

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1. Following a meeting with Jack Marsh, Counsellor to the President, at the White House this morning and on his recommendation, I called Don Ogilvie to ascertain to what extent OMB looked into the legal aspects of the proposed [REDACTED] project at the time it was presented to the OPAG Committee. Mr. Ogilvie said that their lawyers and the "others" who looked at the legal aspects had no difficulty with it. He did say, however, that he had indicated some "discomfort concerning the wisdom of the proposal on the basis that, despite the legal arguments, one could make it appear to look bad."

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2. Later in the day, I called Ogilvie back again to ask him if he knew whether the matter had been considered specifically by the Department of Justice and if so, by whom. Ogilvie said he knew of no specific study of the matter by Justice, but pointed out that at the OPAG meeting, which was chaired by the President and attended by the Secretaries of Defense and State, as well as the Director of Central Intelligence, the Attorney General was present when the question of the legality of this program was raised, and no one (including the Attorney General) expressed any reservations as to the legality of it.

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[REDACTED]  
Legislative Counsel

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